REMARKS

Claims 1-15 are pending in this application. None of the claims have been amended in this response. Favorable reconsideration is respectfully requested.

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being unpatentable over *Miyawaki et al.* (U.S. Patent 5,726,439). Applicant respectfully traverses this rejection, because the cited reference does not disclose or suggest features of the outputting units or outputting step of the present invention as described in independent claims 1 and 6.

Specifically, *Miyawaki et al.* does not disclose "timing adjustment means for adjusting a timing at which the result of the operation is output for each of said plurality of elements from said outputting units, said timing adjustment means using a control signal other than the clear signal or the transfer signal in the timing adjustment" as recited in claim 1, and similarly recited in claim 6. Instead, *Miyawaki* discloses a timing *generation* circuit (349) that provides a straightforward timing pulse to activate read-out circuit 348 (col. 10, lines 32-35). Accordingly, the circuit in *Miyawaki* does not "adjust" the timing of the outputs as claimed in the present application, but merely generates pulses to activate the read-out circuit. In fact, the *Miyawaki* reference is completely silent on this feature. Also, since no timing adjustments are disclosed in the *Miyawaki* reference, it cannot also disclose the feature of using a "control signal other than the clear signal or the transfer signal" to perform the timing adjustment.

The Response to Arguments proffered by the Examiner is simply incorrect. First, the Examiner claims that a timing pulse constitutes "an adjustment in timing, in that the pulse is adjusted from an off-state to an on-state and vice versa". This statement is a non sequitur, as common sense would indicate that in order for something to be adjusted (i.e., timing), it has to exist in the first place. In other words, one of ordinary skill in the art cannot "adjust" something that has not been generated yet. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999) (MPEP 2111).

Secondly, claim 1 recites "timing adjustment means for adjusting a timing", wherein the specification in the present disclosure teaches multiplying a timing, calculated by processing peaks of infrared ray intensity, by a fixed offset (pages 16-17). The "broadest reasonable interpretation" that an examiner may give means-plus-function language is that statutorily

mandated in paragraph six. 35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure described in the specification and equivalents thereof." Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination (see MPEP 2181).

In light of the above, Applicant respectfully submits that claims 1-15 are now in condition for allowance, which is respectfully requested.

Respectfully submitted,

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